

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Richard P., by and for **R.P.**, and Denise L.,)
by and for **K.L.**,)

Plaintiffs)

v.)

SCHOOL DISTRICT OF THE CITY)
OF ERIE, PENNSYLVANIA; JANET)
WOODS, Individually and in her Capacity)
as Principal of Strong Vincent High)
School; and **LINDA L. CAPPABIANCA**,)
Individually and in her Capacity as)
Assistant Principal of Strong Vincent High)
School,)

Defendants)

Civil Action No. 03-390 Erie

JOINT MOTION TO SUPPLEMENT TRANSCRIPT OF PROCEEDINGS

Plaintiffs R.P and K.L., minors, by their parents and natural guardians, Richard P. and Denise L., respectively, and defendants The School District of the City of Erie, Pennsylvania and Linda L. Cappabianca respectfully submit this Joint Motion to Supplement Transcript of Proceedings.

1. This action was the subject of a jury trial over which Hon. Sean J. McLaughlin presided from and including Monday, January 23, 2006 through Monday, January 30, 2006, the jury returning a verdict for defendants on January 30, 2006.

2. On February 13, 2006 plaintiffs filed Plaintiffs' Motion for New Trial Filed Under Rule 59(a) Fed.R.Civ. Pro.

3. On June 27, 2006 the transcript of the trial proceedings was filed and served by the official court reporter.

4. One of the witnesses who testified at the trial, a minor known as C.B., testified by videotaped deposition taken on April 26, 2005. The transcript of the trial proceedings filed and served on June 27, 2006 does not include the testimony of C.B. and neither the transcript of his deposition testimony nor the videotape thereof played to the jury was marked as an exhibit and introduced into evidence at the trial. A true copy of that transcript, redacted in compliance with W.D.PA.L.R. 5.1.1.D., is attached to this motion.

5. Nonetheless, the testimony of C.B. was presented to and considered by the jury. Therefore, it is respectfully submitted that the transcript of that testimony should be regarded as part of the transcript of the proceedings of the trial.

WHEREFORE, plaintiffs R.P. and K.L., minors, by their parents and natural guardians, Richard P. and Denise L., respectively, and defendants The School District of the City of Erie, Pennsylvania and Linda L. Cappabianca, respectfully request that the Court issue an order that the transcript of the April 26, 2005 deposition of C.B. be made part of the record of the trial of this action, supplementing the transcript of the trial proceedings.

Respectfully submitted,

/s/ Edward A. Olds

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/s/ James T. Marnen

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Pennsylvania and Linda L. Cappabianca

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FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Richard P., by and for **RACHEL P.**, and)
Denise L., by and for **KRISTINA L.**,)

Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of July, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following: Edward A. Olds, counsel of record for plaintiffs.

/s/ James T. Marnen
James T. Marnen